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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,988	08/22/2003	Darius D. Gaskins	CNTR.2209	1141
23669 7590 11/04/2008 HUFFMAN LAW GROUP, P.C. 1900 MESA AVE. COLORADO SPRINGS, CO 80906				
EXAMINER CONNOLLY, MARK A				
ART UNIT 2115		PAPER NUMBER		
NOTIFICATION DATE 11/04/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO@HUFFMANLAW.NET

Office Action Summary

Application No.

10/646,988

Applicant(s)

GASKINS ET AL.

Examiner

MARK CONNOLLY

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 have been presented for examination.
2. Applicant's arguments filed 7/21/08 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal¹ in view of Brock² in view of Browning³.
5. Referring to claim 1, Mittal teaches the apparatus within a microprocessor for managing power consumption of the microprocessor [col. 2 lines 14-19] substantially, including:
 - a. a plurality of functional units each including a corresponding plurality of activity outputs, for indicating when a respective functional unit is enabled [105 and 501 figs. 1 and 5 and col. 5 lines 40-43]. Mittal explicitly teaches that temperature, when used as an activity indicator, allows power consumption to be monitored.
 - b. utilization assessment logic, coupled to said plurality of activity outputs, for assessing activity thereof to determine a current total power consumption value for the microprocessor [col. 5 lines 30-43 and col. 11 lines 54-58].
 - c. power control logic, coupled to said utilization assessment logic, for comparing said current total power consumption value with a threshold power value included in a specified power profile, wherein a select signal directs said power control logic to select

¹ As cited in the previous office action

said specified power profile from a plurality of power profiles that are stored within said power control logic [col. 5 lines 30-43 and col. 11 lines 54-58]. Although a select signal is not explicitly taught, Mittal teaches engaging one of a plurality of power modes (i.e. power profile) in response to the utilization (i.e. power consumption) being greater or less than a threshold value. In order to trigger this response, it is obvious if not inherent that a signal would have to be generated in order to select the appropriate power mode. In addition, because the mode controller (107/502) initiates the change between a normal and reduced power mode without any explicit teaching of loading the power mode settings (i.e. power profile) from outside the mode controller, it is interpreted that the power profiles selected by the power control logic are selected from profiles stored within the power control logic.

d. a power consumption controller, coupled to said power management logic and said plurality of functional units, for engaging power reduction mode if said current total power consumption value exceeds said threshold power value [abstract and col. 5 lines 25-29]. Because the activity monitor and mode controller compare the power consumption value with a threshold value, selects a power mode in response to the comparison and engages that power mode, it is interpreted that the activity monitor and mode controller comprises the utilization assessment logic, power control logic and power consumption controller as they perform the same functions.

Although Mittal teaches using a measured temperature to represent the activity level for the purpose of monitoring power consumption, it is unclear as to whether or not the temperature

² As cited by applicant in the IDS received 10/19/06.

is measured at each functional unit which would then be output as current activity information to their respective activity monitors, or if the temperature is measured at a central location to determine the “overall power.” Because Mittal is concerned with independent control over each functional unit [fig. 5 and col. 11 lines 22-25 and 34-36], one would believe that the temperature would be measured at each functional unit in order to maintain individual control over “a particular functional unit 501” but suggesting that measuring a substrate temperature to determine “overall power” [col. 5 lines 40-41] seems to suggest otherwise. Brock teaches measuring temperature both globally and at individual processing elements for the purpose of controlling the processing elements individually or as a whole [col. 4 lines 4-14 and col. 7 lines 7-14]. It would have been obvious to one of ordinary skill in the art at the time of the invention to have each functional unit output its own temperature (i.e. current activity information) to their respective activity monitors, because it would allow the Mittal system to maintain independent control of the functional units while still limiting operation of each functional unit based on availability of power heat generation, etc... as taught by Brock [abstract].

Although Mittal implicitly teaches a select signal for selecting between power modes, it is not explicitly taught to have a select signal for selecting one of a plurality of power reduction modes to be engaged if the current total power consumption value exceeds said threshold power value. Browning teaches selecting a power mode from a plurality of power modes including a plurality of power reduction modes [figs. 6 and 7 and cols. 5-7 lines 64-8]. To summarize, Browning teaches having multiple temperature thresholds and initiating a power mode based on the current temperature. For example, when the temperature or power consumption of a

³ As cited in the previous office action

processor is below threshold T1, the processor enters a first high power/performance state. When the processor temperature or power consumption is above threshold T1 but below threshold T2, the processor enters a second power/performance state that is lower than the first high power/performance state. Finally, if the temperature or power consumption of the processor is above threshold T2, the processor enters a power/performance state that is even lower than the second power/performance state.

It would have been obvious to one of ordinary skill in the art to include the plurality of reduced power states and to generate a selection signal to select one of the reduced power states to be engaged by power control logic and power consumption controller (i.e. activity monitor and mode controller), because it would obviously introduce varying degrees of performance throttling based on necessity, thus optimizing system performance. In particular, supplying just a single lower power mode does not optimize system operation. For example, if running a processor at a maximum rate and the temperature begins to overheat just slightly, an aggressive power reduced mode may not be necessary. By including a reduced power mode that is not as aggressive, power consumption and temperature can be reduced while still providing substantial performance. On the other hand if running the same processor at the same maximum rate and the processor begins to experience substantial overheating, the same aggressive power reduced mode would be necessary to rapidly reduce the temperature and power consumption at the expense of performance to prevent imminent damage to the processor circuitry. By providing varying degrees of performance, the system can maintain optimal performance given its current operating environment.

6. Referring to claims 2-6, applicant(s) numerous definitions of a "functional unit" (claims 2-6) is construed to be an admission that the criticality does not reside in the type of "functional unit" utilized and hence obvious variations of one another. Mittal explicitly teaches a functional unit as being a functional unit as being a cache [col. 7 lines 43-50, col. 10 lines 52-59 and col. 11 lines 54-58]. Not accessing a cache is interpreted as disabling the usage of the cache. In addition, Mittal teaches that branch predictors and floating point units also consume substantial amounts of power just like cache memories [col. 2 lines 25-31 and col. 3 lines 5-8]. Furthermore, Mittal teaches reducing the rate of instructions [col. 3 lines 14-17]. It is interpreted that the instructions would be issued to an execute unit.
7. Referring to claims 7 and 8, Mittal teaches reducing a voltage and/or clock frequency [col. 5 lines 1-4].
8. Referring to claim 9, this is rejected on the same basis as set forth hereinabove. Furthermore, Mittal teaches assessing the activity of individual functional units [fig. 5 and col. 11 lines 38-39 and 54-58].
9. Referring to claim 10, Mittal teaches a control bus coupled between power management logic and power consumption controller [109 fig. 1A and 507, 508 fig. 5, col. 11 lines 54-58 and col. 12 lines 10-16]. In particular, Mittal additionally teaches that power coordinator can adjust the power modes between the functional units based on if utilization exceeds a threshold. Therefore the connection between the power coordinator and the activity monitors and power controllers are interpreted as control buses.

10. Referring to claims 11 and 12, Mittal teaches sending commands over a control bus to instruct power consumption controller to control the power consumption of either an individual functional unit or all functional units [fig. 5 and col. 5 lines 25-40 and col. 12 lines 28-41].
11. Referring to claim 13, this is rejected on the same basis as set forth hereinabove.
12. Referring to claim 14, this is rejected on the same basis as set forth hereinabove. Mittal teaches the apparatus and therefore teaches the method performed by the apparatus. In addition, Mittal further teaches prescribing a power profile to the device [col. 5 lines 43-61].
13. Referring to claims 15-22, these are rejected on the same basis as set forth hereinabove.

Response to Arguments

14. In the REMARKS, applicant argues in substance that, Mittal, Brock and Browning teach monitoring temperature rather than power. In doing this it is argued that power consumption may only be inferred rather than being explicitly indicated. Because temperature measurements are made, applicant further asserts that Mittal and Brock, in particular, are directed towards temperature control rather than power control as claimed.
15. In response to applicant's argument, Mittal explicitly teaches a system for primarily reducing power consumption, not temperature control [col. 1 lines 5-10, 21-27 and col. 5 lines 1-4]. Even though it is taught that heat is a byproduct of power usage [col. 1 lines 14-16], this should not be misinterpreted to suggest that temperature control is the primary objective of Mittal.

Mittal further teaches that power consumption can be monitored by measuring temperature [col. 5 lines 40-43]. Although the measured temperature is not measured in Watts as argued by applicant, the features upon which applicant relies (i.e., a value indicative of power

consumption being measured in Watts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Rather the claims broadly define the value of the activity outputs provide an indication of power consumption and is silent with respect to the unit of measurement relied upon. Clearly Mittal explicitly describes the temperature measurements as representing power consumption [col. 5 lines 40-43].

Even if examiners interpretation of applicant's claims were deemed inappropriate and that the scope of the claims does not permit any other forms of measurement other than power measurement in Watts, the fact that Mittal still suggests that it is desired to monitor power consumption [col. 5 lines 40-41] still makes it obvious to modify the Mittal system to measure power consumption rather than temperature because what is a more obvious way of measuring power other than measuring the actual power. Thus it would have still been obvious to a person of ordinary skill in the art to try measuring the power consumption by measuring the actual power consumption (rather than by measuring temperature), as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK CONNOLLY whose telephone number is (571)272-3666. The examiner can normally be reached on M-F 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Connolly/
Primary Examiner, Art Unit 2115
10/29/08

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